HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.15458 of 2007

Dated:20.07.2007

Between:

Amar Raja Battaries Pvt.Limited.

…Petitioner.

and

The Transport Commissioner, and others.

…Respondents.

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.15458 of 2007

ORDER:

The petitioner is the owner of the vehicle, bearing No.AP 03 T 4919. Its fitness was certified up to June, 2007. Thereupon, the petitioner submitted an application, for renewing the fitness. The Motor Vehicle Inspector, Tirupathi, the 3rd respondent herein, refused to certify the fitness, on the ground that the vehicle was registered in the year 1996 and it was more than 15 years old. The same is challenged in this Writ Petition.

Heard learned Counsel for the petitioner and learned Government Pleader for Transport.

On the basis of the orders passed by a Division Bench of this Court in W.P.No.15591 of 2006, the Transport Commissioner issued a memo, dated 20.02.2007, prohibiting renewal of fitness for such of the vehicles, which are 15 years and above. Though it was initially confined to the buses owned by the educational institutions, the prohibition was being applied to other vehicles also.

Against the orders of this Court in W.P.No.15591 of 2006, S.L.P. was filed before the Supreme Court and interim order was granted

therein. In view of this development, the Transport Commissioner issued a memo, dated 19.06.2007, withdrawing the earlier memos. There is no other basis for the respondents to refuse the renewal of fitness certificate, on the sole ground that the vehicle is more than 15 years old.

In that view of the matter, the Writ Petition is disposed of, directing the 3rd respondent to consider the feasibility of issuance of fitness certificate to the vehicle of the petitioner, without reference to the age of the vehicle. There shall be no order as to costs.

Dt.20.07.2007 **L.NARASIMHA REDDY, J**

GJ